

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

Civil Action No. 04-10233-RCL

JONATHAN BEIJAR  
Plaintiff

v.

STANLEY FASTENING SYSTEMS, L.P.  
Defendant

**ASSENTED-TO MOTION TO EXTEND THE SCHEDULING ORDER**

Now comes defendant Stanley Fastening Systems, L.P. ("Stanley") and moves the Court to extend the following deadlines in its scheduling order, as set forth below:

- A. Plaintiff's and Defendant's experts disclosed and expert depositions completed by August 24, 2005
- B. Dispositive Motions filed by September 21, 2005
- C. Oppositions to Dispositive Motions filed by October 14, 2005
- D. Settlement Conference held by November 4, 2005
- E. Final Pre-Trial Conference held by December 2, 2005
- F. Trial held after December 2, 2005

As good cause for this motion, the undersigned aver that this extension is needed in order for (a) the Plaintiff's expert to conclude his review of the discovery materials and complete an inspection of the pneumatic nailer in this matter, so that he may complete his report addressing the condition and features of the nailer and the causes of the Plaintiff's injuries and (b) the Defendant's expert to have an opportunity to review the Plaintiff's expert's report before completing his/her report. The Plaintiff's expert has been unable to

accomplish the pneumatic nailer inspection within the original timeframe set for its completion. In accordance with Local Rule 7.1(a)(2), Stanley's counsel has conferred with Plaintiff's counsel and the Plaintiff's counsel assents to this request and the relief sought herein.

WHEREFORE, Stanley requests that this motion be granted and that the Court's scheduling order be amended, as set forth above.

Respectfully submitted,

STANLEY FASTENING SYSTEMS,  
L.P.,  
By its Attorney,

/s/ Christopher A. Duggan  
Christopher A. Duggan, Esquire  
BBO No. 544150  
Smith & Duggan LLP  
Lincoln North  
55 Old Bedford Road  
Lincoln, MA 01773  
(617) 228-4400

Dated: June 30, 2005

Assented to by:

JONATHAN BEIJAR,  
By his Attorney,

/s/ Scott W. Lang  
Scott W. Lang, Esquire BBO #285720  
Lang, Xifaras & Bullard  
115 Orchard Street  
New Bedford, MA 02740  
(508) 992-1270

Dated: June 30, 2005

**CERTIFICATION OF COMPLIANCE WITH LOCAL RULE 7.1(a)(2)**

Pursuant to Local Rule 7.1(a)(2), the undersigned counsel certifies that on June 30, 2005, his associate, David G. Braithwaite, Esquire, contacted the Plaintiff's counsel regarding the grounds for and relief requested by this motion and the Plaintiff assents to both.

/s/ Christopher A. Duggan  
Christopher A. Duggan, Esquire

Dated: June 30, 2005